

June 30, 2010
Special Meeting
MINUTES OF THE CITY COUNCIL SPECIAL MEETING HELD JUNE 30, 2010

A Special Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, June 30, 2010 at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
N. Gregory Cuffey, Vice Mayor
Christina J. Luman-Bailey, Councilor
Kenneth B. Emerson, Councilor
Gerald S. Stokes, Councilor
K. Wayne Walton, Councilor

Ann M. Romano, City Clerk
Edwin C. Daley, City Manager
Thomas E. Lacheney, City Attorney

ABSENT: Curtis W. Harris, Councilor

Mayor Pelham opened the Special Meeting at 6:30 PM. Roll call was taken as follows:

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	ABSENT (out of town)
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

CLOSED SESSION

Motion was made by Councilor Emerson, and seconded by Councilor Stokes to convene into Closed Session to discuss Appointments to Boards and Commissions (School Board Appointments), in accordance with Virginia Code Sec. 2.2-3711 (A)(1). Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

OPEN SESSION

Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene the Closed Meeting?" Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

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Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

REGULAR BUSINESS – SCHOOL BOARD APPOINTMENTS

Motion was made by Councilor Walton, and seconded by Councilor Emerson, to postpone the appointment of two School Board members until the next regular City Council meeting on July 13, 2010.

DISCUSSION:

Councilor Walton read a statement into the record:

“The last week has put another black eye on Hopewell and an embarrassment to all involved. We shouldn’t have put ourselves in this position. The voting error last week should have been caught earlier but the fact remains that the controversy over the school board appointments and a conflict of interest has raised many questions and an outcry from the public. Most of these questions have been answered by our lawyer and his interpretation but there is at least one still unanswered. Tonight we come before you with one question unanswered and one Council member not present. I think we need time to sort this out even if it means going to the State Attorney General for a ruling. We need to make the right decision for Hopewell. That’s why I think we need to carry this over and let the new council deal with it since they are the ones that will have to live with the outcome.”

Councilor Bailey indicated that in May 2010 she had asked if the new City Council could appoint the new school board members after July 1. She was told that school board appointments are always made in June. The City Attorney reported that state law says that the new school board should be appointed within 30 days of July 1. Virginia Code Sec. 22.1-50 states, “...within 30 days preceding July 1.”

Councilor Emerson pointed out that Councilor Harris had provided a letter that he wished to have read into the record in his absence. Mayor Pelham indicated that it would not be read at that time. Councilor Emerson raised a Point of Order to which the City Attorney responded that reading the letter would be appropriate at that point or later, at the discretion of the presiding officer.

Councilor Emerson’s opinion was that there was a malfunction in the way that the vote was taken last week (Special Meeting June 22, 2010). The public is concerned with who came off the board, as is Mr. Emerson. He preferred to postpone the appointments until the new City Council was seated.

Upon the roll call on the **motion** to postpone the appointments to July 13, 2010, the vote resulted:

Mayor Pelham	-	NO
Vice Mayor Cuffey	-	NO
Councilor Bailey	-	NO
Councilor Emerson	-	yes
Councilor Stokes	-	NO
Councilor Walton	-	yes

The vote was 4 no/2 yes. The motion failed.

Motion was made by Councilor Emerson, and seconded by Councilor Walton, to reappoint Ann Williams to the Hopewell School Board for a term extending July 1, 2010 thru June 30, 2013.

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Councilor Bailey was confused by appointing one school board member at a time. As it was discussed at the last meeting, she regrets not looking into term limits sooner. But a member could come off the board for one year and then reapply. City Council must be fair and not send conflicting messages. She requested that City Council consider reinstating the term limit policy. She was very appreciative of the work that Ann Williams has done for the city and her representation on the State School Board Association.

Councilor Walton has been on City Council for two years. He felt that City Council sends the wrong message sometimes. He did not remember sitting down with the school board to set goals, as recently as when the High School was discussed, City Council funded \$22.5 million for the Hopewell High School renovations. Now two experienced people were not reappointed. The new candidates are well qualified also; he has nothing against them. Some think that there is something wrong with the schools, but he does not know that. It is an important time for Hopewell schools.

Councilor Emerson felt that this was not an issue of term limits but the quality of service of Ann Williams vs. the other candidates. Mrs. Williams is far above any who applied. Mr. Caricofe is out sick and will be out for some time. Two veteran school board members will serve with two new members. He felt that the incumbents should be reappointed. He has been proud of giving the schools almost everything they asked for in the past few years. Without Ann Williams the school board will not be as strong. He is confident in Ann Williams but not confident in the new candidates. The school board has been a hard-working team and has worked for the schools. He asked City Council to please consider reappointing Ann Williams.

Councilor Stokes believes that the two candidates appointed on June 22 are fine people and qualified as much as anyone appointed or elected to any board or office. Dr. Odom runs the school system. Mrs. Williams has been on the school board for nine years. Mr. Miles has been chairman for three years. No one in the United States has been appointed for life except for the Supreme Court. Two years ago Hopewell sent to the General Assembly a proposal for Hopewell to elect its school board rather than appoint. It would give citizens more say in the system. The request was denied. Over the last ten years some of these issues should have been brought up. No one from the schools told City Council that the high school was in a state of disrepair. The city and the schools duplicate many functions such as payroll, health insurance, etc. He felt that the two individuals presented for appointment are of high quality. The school system and school board must get the high school graduation rate up. If it does not go up, HHS might not be accredited next year.

The City Clerk was asked to read into the record Councilor Harris's letter:

*"TO: Honorable Members of the Hopewell City Council
FROM: Rev. Curtis W. Harris, Ward 2 Councilman
DATE: June 29, 2010
RE: Disclosure by Councilor-Employee*

On last Tuesday, June 22, 2010 City Council considered the reappointment of two Hopewell School Board members whose terms would soon expire (June 2010). These members were Avon Miles (Chairman) and Anne Williams (Vice-Chairman). These members rendered excellent service to the Board as well as the public school system overall. They are also at the forefront of a major renovation of the Hopewell High School project totaling \$26 million. It is simply unwise to remove these members at this integral time.

Council voted 4-3 to reject the reappointment of the Chair and Vice Chair. The following Councilors voted not to reappoint the members: Mayor Pelham, Councilor Bailey, Councilor Stokes, and Vice-Mayor Cuffey. The remaining Councilors voted to reappoint the two School Board members; Councilor Harris, Councilor Emerson and Councilor Walton.

It was discovered a few days after the vote that the Mayor failed to disclose her interest in the vote as an employee in the Hopewell public school system in accordance with the Code of Virginia, Section 2.2-3115. It is my opinion that this non-disclosure is a conflict of interest. In

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fact, in matters of appointments, budget and other specific matters persons that are members of a business, profession, occupation or group of three or more persons (School System employees) can participate [in appointments, budget and other specific matters] if they strictly comply with certain declaration requirements. This declaration procedure was not followed.

Under Section 2.2-3115(G) of the Code of Virginia,

“The Councilor-Employee shall either make her [his] declaration orally to be recorded in the written minutes of the City Council, or file a signed written declaration with the City Clerk. If reasonable time is not available to comply with the provision the Councilor-Employee shall prepare and file the required declaration by the end of the next business day. The Councilor-Employee shall also orally disclose the existence of the interest during each meeting of City Council at which such transactions are discussed, and such disclosure shall be recorded in the minutes of each meeting.”

The Mayor has now called an emergency meeting scheduled for Wednesday, June 30, 2010. For major issues handled by the Council it is customary that if a vote of Council, is needed, all members are afforded the opportunity to participate. I was not contacted concerning my schedule and have prior secured travel plans to Atlanta, Georgia for an important meeting on June 30th. Therefore, I resent the fact that a meeting was established before I was contacted to determine my availability. While this meeting may be legal it is not morally sound or just. My request is to lean on the side of morality and arrange a meeting date where all members of Council are available.”

Prior to the roll call on the **motion** to reappoint Ann Williams, Mayor Pelham made a verbal Transactional Disclosure Statement (Conflict of Interest) declaring that she is an employee of the Hopewell Public Schools, the members of which are affected by the transaction and that she was able to participate in the transaction fairly, objectively, and in the public interest, and she submitted a signed hard copy to the City Clerk for the record. She commented that it was interesting that this issue did not come up during the \$22.5 Million renovation bonds or at the time that the budget was approved. She indicated that the citizens know that she is not inhibited to make any decision. Mayor Pelham stated that Mrs. Denton had asked the City Attorney if Mayor Pelham’s past vote [on June 22] was a conflict. There has been no malice in the past six years that she has been in office on any vote regarding the school issues. Council’s Rules indicate that as long as there is a quorum, City Council may meet. This is a difficult vote. She expressed that the two persons being reconsidered for appointment to the school board are qualified. She thanked Ann Williams and Avon Miles for the services that they have provided. There will always be a project in the school system. There will always be a project in the city. Research allows everyone to gain knowledge to make the vote. Mayor Pelham also clarified that this was not an emergency meeting; it was a Special Meeting. Councilor Harris’ vote was not needed.

Councilor Bailey also stated that this was not an emergency meeting. It was discussed to be held on Friday, June 25. The City Attorney ruled that it was not an emergency and that it required three days public notice.

Upon the roll call on the **motion** to reappoint Ann Williams to the school board for a term extending July 1, 2010 thru June 30, 2013, the vote resulted:

Mayor Pelham	-	NO (filed a Transactional Disclosure Statement)
Vice Mayor Cuffey	-	NO
Councilor Bailey	-	NO
Councilor Emerson	-	yes
Councilor Stokes	-	NO
Councilor Walton	-	yes

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The vote resulted 4 no/2 yes. The motion failed.

Motion was made by Councilor Bailey, and seconded by Vice Mayor Cuffey, to appoint Christopher Reber to the School Board for a term extending July 1, 2010 thru June 30, 2013. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes (filed a Transactional Disclosure Statement)
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Emerson	-	NO
Councilor Stokes	-	yes
Councilor Walton	-	NO

The vote was 4 yes/2 no. Motion passed.

Motion was made by Councilor Bailey, and seconded by Vice Mayor Cuffey to appoint Shirl Jefferson to the Hopewell School Board for a term extending July 1, 2010 thru June 30, 2013. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes (filed a Transactional Disclosure Statement)
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Emerson	-	NO
Councilor Stokes	-	yes
Councilor Walton	-	NO

The vote was 4 yes/2 no. Motion passed.

ADJOURN

Motion to adjourn was made at 7:31 PM by Councilor Walton and seconded by Councilor Emerson.

Mayor Pelham did not wish to adjourn the meeting at that time. However, a motion to adjourn does not allow discussion. Upon the roll call on the motion to adjourn at 7:31 PM, the vote resulted:

Mayor Pelham	-	NO
Vice Mayor Cuffey	-	NO
Councilor Bailey	-	NO
Councilor Emerson	-	yes
Councilor Stokes	-	NO
Councilor Walton	-	yes

The vote was 4 no/2 yes. The motion failed.

REGULAR BUSINESS – FY 2010/2011 CITY & SCHOOL BUDGETS

Motion was made by Councilor Stokes, and seconded by Vice Mayor Cuffey, to rescind the FY 2010/2011 City and School Budgets voted on June 8, 2010. Upon the roll call, the vote resulted

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Emerson	-	NO
Councilor Stokes	-	yes

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Councilor Walton - yes

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to adopt the FY 2010/2011 City Budget and School Budget.

Prior to taking the roll call on the motion, Mayor Pelham made a verbal Transactional Disclosure Statement (Conflict of Interest) declaring that she is an employee of the Hopewell Public Schools the members of which are affected by the transaction and that she was able to participate in the transaction fairly, objectively, and in the public interest, and she submitted a signed hard copy to the City Clerk for the record.

Prior to taking the roll call on the motion, Vice Mayor Cuffey and Councilor Stokes each made a verbal Transactional Disclosure Statement (Conflict of Interest) declaring that they are employees of the Hopewell Sheriff's Department [Cuffey-Auxiliary Deputy Sheriff (volunteer) and Stokes-Deputy Sheriff] the members of which are affected by the transaction and that they were able to participate in the transaction fairly, objectively, and in the public interest, and they each submitted a signed hard copy to the City Clerk for the record.

Upon the roll call on the **motion** to adopt the FY 2010/2011 City Budget and School Budget, the roll call resulted:

Mayor Pelham	-	yes (filed a Transactional Disclosure Statement)
Vice Mayor Cuffey	-	yes (filed a Transactional Disclosure Statement)
Councilor Bailey	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes (filed a Transactional Disclosure Statement)
Councilor Walton	-	yes

ADJOURN

Motion to adjourn was made at 7:34 PM by Councilor Emerson, and seconded by Councilor Walton. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

Brenda S. Pelham, Mayor

Ann M. Romano, City Clerk